



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: **Keith D. ALLEN *et al.***

Serial No.: **09/900,754**

Filed: **July 6, 2001**

Title: **Transgenic Mice Containing Tryptase
Gene Disruptions**

Group Art Unit: **1636**

Examiner: **Sullivan, Daniel M.**

Customer No. **26619**

Docket/Order No. **R-372**

Date: **May 5, 2004**

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
Mail Stop Non Fee Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This document is responsive to the Notice mailed March 28, 2004, indicating that the most recently filed amendment does not comply with the "Revised Amendment Format" required for all amendments submitted after July 30, 2003. More particularly, on June 24, 2003, Applicants submitted a response to a final Office Action (mailed December 24, 2002) along with a Request for Continued Examination under 37 C.F.R. § 1.114. However, the request was denied due to a lack of funds in Applicants' deposit account in order to cover the required fees. Therefore, Applicants submitted a petition to revive the instant application under 37 C.F.R. § 1.136(b) along with the required fees, which petition was granted. However, the Examiner has now determined that the response filed June 24, 2003 was not proper in that it does not set forth the current status of all the claims in the application, particularly regarding claims 16 and 23.

Attached herewith is a corrected version of the "Amendments to the Claims" section of Applicants' June 24, 2003 Amendment titled "Amendment after Final Rejection Accompanying Request for Continued Examination under 37 C.F.R. § 1.114. The enclosed corrected section of the above referenced Amendment clearly sets forth the status of all claims in the application in accordance with the Revised Amendment Format, as required by the Examiner. More

particularly, Applicants have indicated that claims 1-15 and 17-22 are canceled and claims 16 and 23 are withdrawn. Applicants believe that the Amendment is now in compliance with the Revised Amendment practices in effect as of July 30, 2003. Applicants respectfully request favorable action on the Request for Continued Examination and entry and consideration of the Amendment filed June 24, 2003.

Applicants submit concurrently herewith a Petition for the Extension of Time under 37 CFR 1.136(a) for response to the above referenced Notice for a period of one (1) month from April 28, 2004 up to and including May 28, 2004. The Commissioner is hereby authorized to charge any deficiency in payment to Deposit Account No. 50-1271 under Order No. R-372.

Respectfully submitted,

Date: May 5, 2003

Kelly L. Quast

Kelly L. Quast, Reg. No. 52,141
Deltagen, Inc.
1031 Bing Street
San Carlos, CA 94070
(650) 569-5100